

REMARKS

The specification has been amended merely to update the status of a cited application in paragraph [0001], and to revise the title to more aptly describe the subject matter now claimed.

Claims 1-13 and 29, 30 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Tsuruta et al '611. This rejection is respectfully traversed with respect to these claims as amended herein.

These claims as amended all specifically recite “a pair of yoke-shaped members mounted in spaced array, with each member including a slotted opening extending inwardly between tines of the yoke from a forward edge thereof, and with the slotted openings of the members substantially transversely aligned” and “a cutter mounted intermediate the spaced members for movement between an open configuration in which the cutter is displaced from obstructing transverse alignment of the slotted openings, and a closed configuration in which a cutting edge of the cutter passes through the transverse alignment of the slotted openings”.

In addition, the dependent claims are further limited by such specific recitations as “the mounting structure includes an anvil interposed between corresponding ones of the tines of each of the pair of members displaced from obstructing a transverse alignment of the slotted openings and extending substantially to the forward edges of the members, with the cutting edge of the cutter

disposed to substantially engage the anvil in the closed configuration”, or “the width of each of the slotted openings convergingly tapers inwardly from the forward edge”, or “the members are mounted to extend distally in diverging orientation from the distal end of the body”.

Also, the dependent claims are specifically limited by various limitations such as “the cutter is disposed to move translationally along a direction aligned with the elongated axis of the body and laterally toward the anvil during transition from the open configuration to the closed configuration”, or “the cutter includes a contoured surface for engaging a reference surface to transform translational movement of the cutter into translational and lateral movement relative to the anvil”, or “the actuator includes a resilient rod rigidly attached to the cutter and including a distal portion thereof skewed from an elongated axis of the rod to resiliently bias the cutter into the open configuration”, or “the members are mounted in laterally spaced array and the cutter is pivotally mounted for movement intermediate the members within a plane substantially parallel to a plane of a member”, or “the reference surface is disposed to resiliently bias the cutter toward the anvil in engagement with at least a portion of the contoured surface of the cutter”.

These aspects of the claimed invention facilitate severing tissue structures such as vessels that are positioned transversely within the slotted opening of adjacent

members for cutting via a cutter mounted for movement between the members through such a positioned tissue structure.

These aspects of the claimed invention are not disclosed or even suggested by the cited reference that is configured for stapling, not severing, tissue. More specifically, this reference does not support Examiner's analyses applicable to the claims as amended. For example, there is no "slotted opening" in the yokes configured for receiving a tissue structure such as a vessel transversely oriented within such slotted openings, and Cutters 302, 20 are understood to be located within the cartridge for staples. Also, the actuator 304 (actually, a wire) resides within the cartridge (Col. 31, lines 44-60), and the anvil 4 is part of the stapling member that includes such cartridge (Col. 30, lines 36, 37), rather than being a member against which a tissue-cutting blade impinges, in a manner as claimed by Applicants. Nor does Figure 104 and its associated description, which disclose a replaceable cartridge and anvil, disclose such contoured surface, as analyzed by the Examiner, as would produce lateral blade movement responsive to transverse blade movement, in any manner resembling Applicants' claimed invention. Nor is this reference understood to disclose using the flexible resin sheath 606 as a wear-resistant surface associated with transforming blade movement into lateral and translational cutting action against an anvil, in any manner resembling Applicants' claimed invention. It is therefore respectfully submitted that Tsuruta et al '611 discloses apparatuses

configured for stapling tissue according to different surgical procedures using distinctively different apparatuses than as defined by Applicants' claims which are therefore not anticipated by this reference.

Reconsideration and allowance of amended claims 1-13, 29, 30 over the cited art (including Yates '463 and Tischer '216, cited but not applied) are solicited.

Respectfully submitted,
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